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Def & Ref Ray 307

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2004 JUN -7 AM 11:41

In re the Application of

Dominic Wai-Kwing YEUNG et al.

Examiner: O. Asinovsky

Serial No.: 09/698,149

Art Unit: 1711

Filed: October 30, 2000

For: BLOCK POLYMERS, COMPOSITIONS AND METHODS OF USE FOR FOAMS,  
LAUNDRY DETERGENTS, SHOWER RINSES AND COAGULANTS

**REQUEST FOR FEE REFUND**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attn: Refunds Section of the Receipts Division of the Office of Finance

Sir:

Pursuant to 37 CFR 1.26, Applicants request a refund for the \$770 fee paid by Check No. 20833 on March 25, 2004 for an improper Request for Continued Examination (RCE). A copy of the Notice of Improper Request for Continued Examination (RCE) is attached.

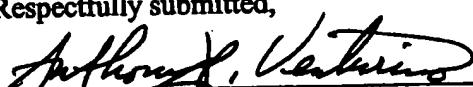
The fee for the Request for RCE was paid by mistake because the prosecution was not yet closed at the time of its filing. In particular, there was only a non-final Office action pending at the time the Request for RCE was filed.

Thus, please credit the RCE fee of \$770 to Deposit Account No. 19-4375. If this request must be treated as a petition then please charge the petition fee to Deposit Account No. 19-4375.

Respectfully submitted,

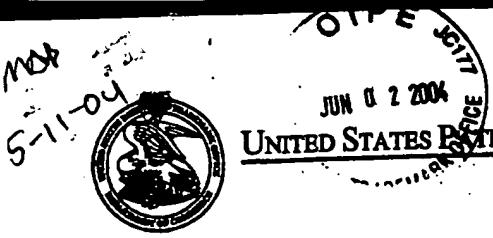
Date: June 2, 2004

By:

  
Anthony P. Venturino  
Registration No. 31,674

APV/kag  
ATTORNEY DOCKET NO. APV30271CIP

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.  
1615 L STREET, N.W., SUITE 850  
WASHINGTON, D.C. 20036  
TEL. 202-785-0100 / FAX. 202-408-5200



PATENT MAINTENANCE  
DIVISION  
UNITED STATES PATENT AND TRADEMARK OFFICE

APV30271C1P  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

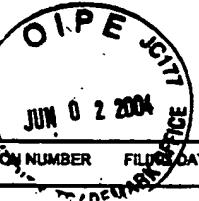
2004 JUN -7 AM 11:41

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,149	10/30/2000	Dominic Wil-Kwing Young	APV 30271CIP	6595
7590	05/03/2004		EXAMINER	
STEVENS, DAVIS, MILLER & MOSHER, L.L.P. 1615 L Street N.W., Suite 850 Washington, DC 20036			ASINOVSKY, OLGA	
			ART UNIT	PAPER NUMBER
			1711	

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RESPONSE DUE 5-30-04  
DOCKETED DATE 5-11-04  
BY MOS



Commissioner for Patents  
United States Patent and Trademark Office

PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

APPLICATION NUMBER FILED DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

2004 JUN - 7 AM 11:41

DATE MAILED:

**NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)**

The request for continued examination (RCE) under 37 CFR 1.114 filed on 3/25/04 is improper for reason(s) indicated below:

- 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
- 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
- 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

***A copy of this notice MUST be returned with any reply.***

Direct the reply and any questions concerning this notice to:

Timothy Cole, Technology Center 1700  
571-2720 (703) 30 0999

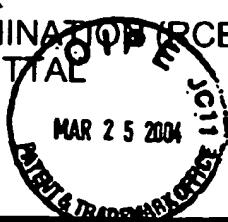
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## REQUEST

FOR

CONTINUED EXAMINATION (RCE)  
TRANSMITTAL

Address to:  
 Mail Stop RCE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450



Application Number

09/698,149

Filing Date

October 30, 2000

First Named Inventor

YEUNG et al.

Art Unit

1711

Examiner Name

Olga Asinovsky

Attorney Docket Number

APV30271CIP

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

## 1. Submission required under 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_  
 ii.  Other \_\_\_\_\_

b.  Enclosed

- i.  Amendment/Reply      iii.  Information Disclosure Statement (IDS)  
 ii.  Affidavit(s)/Declaration(s)      iv.  Other References

## 2. Miscellaneous

- a.  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

- b.  Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  
 a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-4375

- i.  RCE fee required under 37 CFR 1.17(e) 03/26/2004 YPOLITE1 00000048 09698149  
 ii.  Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 -770.00 0P-  
 iii.  Other \_\_\_\_\_

- b.  Check in the amount of \$ 770.00 enclosed

- c.  Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Anthony P. Venturino	Registration No. (Attorney / Agent)	33,674
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Signature	<u>Anthony P. Venturino</u>	Date	March 25, 2004
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## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)			
Signature		Date	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment date: 06/28/2004 EEKUBAY1  
 10716/2003 AWONDAF1 00000019 09698149  
 01 FC:1801 -770.00 0P

RECEIVED

Ref: 06/28/2004 EEKUBAY1 0010530400  
 DAH:194375 Name/Number: 09698149 \$770.00 CR  
 FC: 9204